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Dated: May 5, 2003

Signature:

Tram Anh T. Nguyen
(Tram Anh T. Nguyen)

Docket No.: 101997-0008

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of: Andrew K. Benson

Application No.: 09/945,564

Filed: August 31, 2001

For: METHOD FOR IDENTIFYING POLYMORPHIC
MARKERS IN A POPULATION

Group Art Unit: 1631

Examiner: J. Martinell

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Plunkett
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RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

In response to the restriction requirement set forth in the Office Action mailed April 7, 2003 (Paper No. 9), Applicant hereby provisionally elects Group I, claims 16-33 for continued examination.

REMARKS

Applicant respectfully requests reconsideration of the restriction based on the following remarks.

In his Office Action, the Examiner has required restriction between:

- I. Claims 16-33, drawn to nucleic acid molecular hybridization assays, classified in 435, subclass 6.
- II. Claims 34-36, drawn to methods for the identification of polymorphic markers using bit string arrays, classified in class 702, subclass 19.

Applicant believes that the methods of Groups I and II are not patentably distinct, because claims 27 through 32 of Group I are similar to claims 34 and 35 of Group II. For this reason, Applicant does not believe that it would create an undue burden for the Examiner to search Groups I and II at the same time.